

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Application Number	09/998,810
Filing Date	November 30, 2001
First Named Inventor	Field
Art Unit	3762
Examiner Name	Hook, James F.
Attorney Docket Number	C0013

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months.  
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-2167.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Michael E. Carroll, Jr.
Signature	<i>Michael E. Carroll, Jr.</i>
Registration No. (Attorney/Agent)	46,602
Date	September 2, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Tammie B. McFarland	Date	9-2-2004
Signature	<i>Tammie B. McFarland</i>		

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I hereby certify that this correspondence, being 10 pages is being forwarded via facsimile to the Commissioner For Patents at 703-872-9306 on September 2, 2004.

James B. McFarland  
James B. McFarland

9-2-2004  
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Field

)  
)  
) Attorney Docket: C0013

Serial No.: 09/998,510

)  
) Art Unit: 3752

Filed: November 30, 2001

)  
) Examiner: Hook, James F.

Title: High Density Fiber Optic Cable Inner Ducts

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REPLY UNDER 37 C.F.R. sec. 1.114

SEP 02 2004

Dear Sir:

In response to the Advisory Action dated August 13, 2004, the following faxed amendment(s) and/or remark(s) are submitted in this reply. Applicants respectfully request that this Reply and the Request for Continued Examination (RCE) be entered into the record.

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09/998,510

C0013

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01 PAGE 4/13 \* RCVD AT 9/2/2004 12:58:08 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-1/1 \* DNS:8729306 \* CSID:8289015206 \* DURATION (mm-ss):03-32

requested.

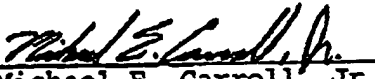
Regarding claims 12-16, 18, 23, 24, and 28, neither the '212 patent, nor the '486 patent, alone or in combination disclose, teach, or otherwise suggest each and every feature of independent claims 12 and 24. Moreover, the amendment of claims 12 and 24 is not an admission that the '212 or '486 patents or any other art of record discloses, teaches, or otherwise suggests the features of the claims. The withdrawal of the sec. 103(a) rejection of claims 12-16, 18, 23, 24 and 28 is warranted and respectfully requested.

Ninety Dollars (\$90.00) is believed due in connection with this Reply for 5 new dependant claims in excess of twenty. If any fees are due in connection with this Reply, please charge any other fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Primary Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

  
Michael E. Carroll, Jr.  
Patent Attorney  
Reg. No. 46,602  
P.O. Box 489  
Hickory, N. C. 28603  
Telephone: 828/901-6725

Date: September 2, 2004